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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,381	12/08/2003	Armin Wagner	080437.52924US	8148

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EXAMINER

DEBERADINIS, ROBERT L

ART UNIT PAPER NUMBER

2836

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,381

Applicant(s)

WAGNER ET AL.

Examiner

Robert DeBeradinis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,6,8,10,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4,6,8,10,12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The reply filed 8/23/05 consists of amending claims 2, 3, 4, 6, 8, 10, 12, 13 cancellation of claims 1, 5, 7, 9, 11 and remarks related to rejection of claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 3, 4, 8, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by BLESSING 5,977,751.

Regarding claims 4, 8.

BLESSING discloses a battery monitoring unit having a sense FET circuit arrangement looped into the battery lead and can serve for interrupting the battery current (abstract) to protect against a short circuit (col.1, line 17).

Regarding claim 3.

BLESSING discloses the safety switch according to claim 4.

BLESSING teaches the method for determining the charge state of the battery (col. 1, lines 30-36).

Regarding claim 10.

BLESSING teaches a programmable control unit for opening and closing said sense FET (computer, col.1, lines 30-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over BLESSING 5,977,751 in view of SHUSTER 4,218,717.

Regarding claim 2, 12.

BLESSING discloses the safety switch according to claim 4.

BLESSING is silent wherein the semiconductor switch disconnects a vehicle consuming device from the battery after expiration of a defined time period.

SHUSTER discloses electronic control system for a motor vehicle wherein after the timer 26 has been energized for a predetermined time relay 26a disconnects the battery from the circuit to prevent the battery from discharging.

It would have been obvious to one having ordinary skill in the art at the time of this invention to have modified the battery monitoring unit wherein the semiconductor switch disconnects a vehicle consuming device from the vehicle battery. The motivation would be to prevent discharging the battery.

Regarding claim 6.

BLESSING discloses a method for monitoring defects for the detection of excessive current consumption in a vehicle electric system.

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BLESSING is silent wherein using a semiconductor safety switch to monitor current consumption through a vehicle socket.

SHUSTER teaches supplying current to vehicle accessories and it is obvious that a cigarette socket supplies power to an accessory.

It would have been obvious to one having ordinary skill in the art at the time of this invention to modify the battery monitoring system to include the feature of monitoring current through the vehicle cigarette socket. The motivation would have been to protect the socket.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over SHUSTER 4,218,717 in view of BLESSING 5,977,751.

Regarding claim 13.

SHUSTER discloses an electric control system for a motor vehicle coupling said battery to electronic consuming devices on said vehicle ((lights and accessories).

SHUSTER does not disclose a semiconductor safety switch.

BLESSING discloses a battery monitoring unit having a sense FET circuit arrangement and a programmable control unit for opening and closing said semiconductor safety switch as a function of a monitored parameter wherein said semiconductor safety switch is connected to supply or interrupt electrical power from said battery said semiconductor safety switch provides a bidirectional current flow capability whereby said battery can be charged when a voltage applied to one of an output of said semiconductor safety switch and an output of said battery exceeds a

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defined threshold value said safety switch allows a charging current to flow (abstract and col. 1, lines 30-35).

It would have been obvious to one having ordinary skill in the art at the time of this invention to replace the current threshold relay taught by SHUSTER with a semiconductor switch. The motivation would be to replace a mechanical device with a semiconductor device to obviously improve the system reliability.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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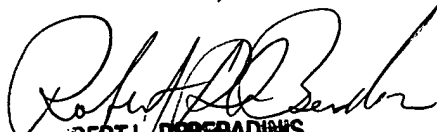
Any inquiry concerning this communication should be directed to Robert L.

DeBeradinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brian Sircus, can be reached on (571) 272-2058. The Fax phone number for this Group is (703) 872-9306.

RLD

NOVEMBER 8, 2005



BERT L. DEBERADINIS
PRIMARY EXAMINER